

MaineCare Advisory Committee

Meeting Minutes

February 7, 2023

10:00 a.m. to 11:47 a.m.

Via Zoom

I. CALL TO ORDER

Kathy Kilrain Del Rio called to order the regular meeting of the MaineCare Advisory Committee at 10:00 a.m. on Tuesday, February 7, 2023.

II. ROLL CALL

Kathy Kilrain del Rio conducted a roll call. The following persons were present:

Kathy Kilrain del Rio; Rachel Collamore; Laura Cordes; Jamie Cotnoir; Leo Delicata; Cathy Dionne; Gia Drew; Rachel Dyer; Cathy Hamilton; Candy Henderly; Sarah Lewis; Becca Matusovich; Vicki McCarty; Esther Miller; Beth Pearce; Malory Shaughnessy; Sara Squires; Piper Stiles; Susan White; and David Winslow.

Department: Tia Bolduc; Sarah Fisher; Amanda Lee; Shannon Martin; Melanie Miller; Jenny Patterson; Michelle Probert, and Molly Slotznick.

Guests: Elizabeth Cameron; Alex Carter; Kate Christiansen; Al Durgin; Kate Ende; Mark Eves; Suzanne Farley; Kalie Hess; Vicki Jessup; Jim Martin; Pete Plummer; and Ben Townsend.

III. NEW BUSINESS

a.) MaineCare Updates With Michelle Probert

- The Consolidated Appropriations Act has passed. By April 1st, 2023, all states must begin the process of redetermining if MaineCare enrollees are still eligible.
- President Biden announced the public health emergency will be ending on May 11th 2023. The PHE is still tied to the flexibilities we've had from a policy perspective.
- The uninsured coverage group goes away at the end of the PHE.
- Molly reminded the MAC about the requirement for attending provider NPIs on institutional claims. The deadline is April 1, 2023.
- A question was posed as to whether coverage for COVID testing & treatment ends on May 11 or the month following the end of the PHE? Esther noted it ends on May 11th, 2023 for the uninsured coverage group.

MaineCare Requested Bills Update

- [LD 84](#) – *An Act to Strengthen Third-party Liability Requirements for the MaineCare Program* – This Department bill was submitted to comply with federal regulations. It adds 3rd-party liability requirement provisions for MaineCare claims for payment and adds a provision to apply MaineCare assignment provisions to out-of-state carriers who provide coverage to residents of this State. The bill also provides that payments made under assignment to the

MaineCare program by a 3rd party are final after 2 years. In March of 2022, the President signed a \$1.5 trillion appropriations bill, H.R. 2471, and omnibus spending bill to fund the government for FY 2022. The bill includes a revision to Medicaid's third-party liability ("TPL") provisions. That bill requires three revisions to state statutes, reflected in this LD. The proposed bill also establishes a two-year period for insurers to seek adjustments to payments made to MaineCare.

- [LD 282](#) – *An Act to Allow the Department of Health and Human Services to Authorize Standing Orders* – This is a department bill to improve member access to vaccines and nonprescription drugs. The bill allows the Department of Health and Human Services to authorize standing orders for the dispensing of vaccines and nonprescription drugs to MaineCare members, participants in the state-funded medical program for noncitizens, enrollees in the elderly low-cost drug program, certain qualified residents and persons receiving Cub Care to support access to preventive care and medically necessary services. Federal Medicaid regulations require that an authorized licensed health provider must prescribe over the counter (OTC) drugs and vaccines such as Influenza and COVID-19 vaccines. This requirement limits MaineCare's ability to provide its members access to OTC products and vaccines by requiring members to obtain a prescription for these items.
- [LD 432](#) – *An Act to Clarify MaineCare Program Requirements Regarding Certain High-risk Health Care Providers* – This is a department bill submitted to comply with federal requirements. The Department bill clarifies the MaineCare program requirements regarding certain high-risk 3 providers. It also requires a person with a certain level of ownership interest in a high-risk 4 provider to submit to a fingerprint-based criminal history record background check. The Federal Bureau of Identification has rejected the State's request for access to the FBI's criminal background database and is now requiring that the categories of persons subject to such a check be explicitly enumerated in statute.

b.) Unwinding Continuous Enrollment

- Update on Stakeholder Meeting
 - Feb 16, 2023 9:30 to 11:00 there will be a Stakeholder meeting.
- A question was posed as to whether members in the Medicare Savings Program (MSP) who see their dual status end will automatically be reviewed for other levels of the MSP?
 - For those who are determined to no longer be eligible for MaineCare, a loss of MaineCare coverage does not necessarily equate to a loss of MSP coverage. MaineCare coverage is not required to be eligible for MSP, however Medicare is.
- A question was posed as to whether there might be a plan to refer members who may be eligible for Medicare or eligible to purchase a Medicare supplemental

insurance policy and may need help with a Part D plan refer them to Area Agencies On Aging for assistance?

- OFI does not refer directly to AAA.

c.) **Enrollment in New Coverage Categories for Immigrants (Under 21 and Pregnant People using the CHIP option)**

- What are enrollment numbers for these two categories?
 - Data not currently available, but OFI is working on compiling the info.
 - Sarah Fisher gave an overview of her work with on resource development and branding for the CHIP program as we look to outreach families through the state of Maine.
 - Developing two 30 second radio spots about the PHE unwinding.
 - Working on a toolkit and Facebook and Instagram sponsored posts and ads for the new coverage group as a well as ads for Portland, Lewiston, and Bangor.

d.) **Rounding Rule Implementation**

- Multiple providers are expressing concern with the implementation timeline and the costs associated with technology changes.
 - The Department will be applying enforcement discretion through April 1 to allow folks time to work past the challenges.
 - It was noted that Adult Case Management- IDD: conflicts with EIS unit tracking requirement and the rounding rule. (EIS does not allow for partial units).

e.) **Rate System Updates**

- FAQ's around the implementation side of things will be coming shortly.
- Amanda presented a rate system timeline update. Of note:
 - Sections 13, 17, 26 and 92 have been implemented, as well as Sections 28 and 65.
 - Ongoing studies include Section 65, Section 2, and Section 30, and Section 45.
 - Section 31 the second informational session has been held and a notice will be going out with the presentation materials
 - Nursing home and residential care facilities work is ongoing.
 - Section 107 work is being wrapped up and there will be public presentation and comment period upcoming
 - Rates for Section 23 have been presented to the public.

- The Rate Setting website is available as a resource with additional information. The MaineCare rate reform website is:
www.maineCare.gov/rate-reform

Rate subcommittee updates with Laura Cordes

- Laura noted subcommittee meet the last Monday of the month at 2:00 p.m.
- Laura noted there are concerns about how to handle PI reviews in upcoming years when there is no actual billing guidance in place for a particular period of time. Michelle noted the Department will practice enforcement discretion during this time when there isn't sufficient clarity.

f.) Rulemaking/Waivers/SPA Packet—Jennifer Patterson

- Jenny noted a lot of things have happened that will drive our rulemaking, and the ending of the PHE is one of those things. We will be working on adopting some of the flexibilities that have been in place
- We are focusing on rulemaking related to rate system reform including the COLA rule.

g.) Communications Updates—Shannon Martin

- Shannon is currently in the role of Acting Director of Communications.
- Shannon noted a Member Engagement Manager will begin working with OMS later this month. The individual in the position will have regular interaction with the public, our vendor partners, OMS teams, and the Department.

h.) Items From Guests.

None

h.) Wrap Up

- The next MAC meeting will be held Tuesday, March 7, 2023 at 10:00 AM

IV. ADJOURNMENT

Kathy Kilrain Del Rio adjourned the meeting at 11:47 a.m.